



Reprinted  
April 10, 2007

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## ENGROSSED SENATE BILL No. 334

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DIGEST OF SB 334 (Updated April 9, 2007 10:03 pm - DI 92)

**Citations Affected:** IC 4-22; IC 32-21.

**Synopsis:** Restrictive covenants regarding modular homes. Provides that certain rules concerning the fire safety, building, and equipment laws are not subject to the requirement that the adopting agency prepare a statement that describes the annual economic impact of the rule on all small businesses after the rule is fully implemented. Provides that a deed restriction or restrictive covenant recorded after June 30, 2007, may not prohibit or restrict the erection of an industrialized residential structure on real property. Provides that a deed restriction, restrictive covenant, or agreement that applies uniformly to all homes and industrialized residential structures in a subdivision may impose the same aesthetic compatibility requirements on an industrialized residential structure in the subdivision that apply to all residential structures in the subdivision.

**Effective:** July 1, 2007.

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### Riegsecker

(HOUSE SPONSORS — MOSES, WALORSKI, NEESE, ULMER)

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January 11, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

January 25, 2007, amended, reported favorably — Do Pass.

January 29, 2007, read second time, ordered engrossed. Engrossed.

February 6, 2007, read third time, passed. Yeas 27, nays 20.

#### HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Rules and Legislative Procedure.

March 20, 2007, reassigned to Committee on Small Business and Economic Development.

April 5, 2007, amended, reported — Do Pass.

April 9, 2007, read second time, amended, ordered engrossed.

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ES 334—LS 7347/DI 87+



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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 334

A BILL FOR AN ACT to amend the Indiana Code concerning  
property.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 4-22-2.1-1, AS ADDED BY P.L.188-2005,  
2       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 1. Except for a rule that is the subject of a  
4       rulemaking action under IC 13-14-9, **IC 22-12, IC 22-13, IC 22-14, or**  
5       **IC 22-15**, this chapter applies to a rule for which the notice required by  
6       IC 4-22-2-23 is published by an agency after June 30, 2005.

7       SECTION 2. IC 32-21-12 IS ADDED TO THE INDIANA CODE  
8       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
9       JULY 1, 2007]:

10       **Chapter 12. Deed Restrictions Regarding Industrialized**  
11       **Residential Structures**

12       Sec. 1. As used in this chapter, "industrialized residential  
13       structure" means a structure that is:

- 14               (1) an industrialized building system (as defined in  
15               IC 22-12-1-14) certified under IC 22-15-4-1;  
16               (2) a Class 2 structure (as defined in IC 22-12-1-5(a)(1));  
17               (3) intended for placement on a permanent foundation; and

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(4) constructed in conformance with the applicable edition of the Indiana Residential Code (675 IAC 14).

Sec. 2. This chapter applies only to deed restrictions or restrictive covenants that are recorded after June 30, 2007.

Sec. 3. (a) Except as provided in section 4 of this chapter, a deed restriction or restrictive covenant may not prohibit or restrict the erection of an industrialized residential structure on real property.

(b) This section does not require a property owner to erect an industrialized residential structure on the owner's property.

Sec. 4. A deed restriction, restrictive covenant, or agreement that applies uniformly to all homes and industrialized residential structures in a subdivision may impose the same aesthetic compatibility requirements on an industrialized residential structure in the subdivision that are applicable to all residential structures in the subdivision.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, delete "reasonable".

and when so amended that said bill do pass.

(Reference is to SB 334 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 2.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete "and".

Page 1, line 11, before "intended" begin a new line block indented and insert:

"(3)".

Page 1, line 11, delete "." and insert "; and

**(4) constructed in conformance with the applicable edition of the Indiana Residential Code (675 IAC 14).**".

Page 1, line 12, delete "," and insert "or".

Page 1, line 13, delete ", or agreements".

Page 1, line 14, after "3." insert "(a)".

Page 1, line 15, delete "restriction, restrictive covenant, or agreement" and insert "**restriction or restrictive covenant**".

Page 1, after line 17, begin a new paragraph and insert:

**"(b) This section does not require a property owner to erect an industrialized residential structure on the owner's property."**

Page 2, line 3, after "impose" insert "**the same**".

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Page 2, line 4, after "structure" insert **"in the subdivision that are applicable to all residential structures"**.

and when so amended that said bill do pass.

(Reference is to SB 334 as printed January 26, 2007.)

ORENTLICHER, Chair

Committee Vote: yeas 5, nays 2.

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#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 334 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2.1-1, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Except for a rule that is the subject of a rulemaking action under IC 13-14-9, **IC 22-12, IC 22-13, IC 22-14, or IC 22-15**, this chapter applies to a rule for which the notice required by IC 4-22-2-23 is published by an agency after June 30, 2005."

Re-number all SECTIONS consecutively.

(Reference is to ESB 334 as printed April 6, 2007.)

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